

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

ALMA ALVARADO, Individually and for Others
Similarly Situated,

v.

ENVOLVE CLIENT SERVICES GROUP, LLC

Case No. 3:22-cv-00292-FM

**ALVARADO'S RESPONSE TO ENVOLVE'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION PURSUANT TO RULE 12(b)(2)**

Envolve has moved pursuant to Fed. R. Civ. P. 12(b)(2) to dismiss those potential class members who did not work in Texas for lack of personal jurisdiction. Doc. 8. Alvarado does not intend contest this partial motion to dismiss. She concedes for purposes of this suit this Court lacks jurisdiction over those opt-in plaintiffs who did not work in Texas. Instead, Alvarado contends transfer of this action is appropriate under 28 U.S.C. § 1631 for want of jurisdiction.

As addressed in detail in Alvarado's Opposed Motion to Transfer, attached as Exhibit 1, transfer of this action to the Western District of Tennessee is appropriate, rather than partial dismissal. Envolve is organized in and has its principal place of business in Tennessee. *See* Doc. 8. All parties concede Tennessee has general jurisdiction over Envolve. As such, the nationwide class proposed in this action can properly and effectively be pursued in Tennessee. Envolve nevertheless opposes transfer.

In the interests of justice and for the reasons addressed in Alvarado's Motion to Transfer and incorporated herein, she respectfully requests the Court transfer this action to the Western District of Tennessee, rather than dismiss potential class members for lack of jurisdiction. *See* Ex. 1.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served by ECF electronic filing on all known parties on November 4, 2022.

/s/ Andrew W. Dunlap

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